

**OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT**

DIVISION TWO

DEANTE L. HARRIS,) No. ED103074
)
Movant/Appellant,) Appeal from the Circuit Court of
) the City of St. Louis
vs.)
) Honorable Bryan L. Hettenbach
STATE OF MISSOURI,)
) Filed: August 2, 2016
Respondent.)

Deante Harris (Movant) appeals the motion court's denial, without an evidentiary hearing, of his Rule 24.035 amended motion for post-conviction relief. In his sole point relied on, Movant contends that the motion court erred by denying his motion for post-conviction relief without an evidentiary hearing because he pleaded facts unrefuted by the record that counsel improperly assured him he would receive eight to ten years' imprisonment in exchange for pleading guilty, thus making the plea involuntary, and that, but for counsel's deficient performance, Movant would have instead proceeded to trial.

AFFIRMED.

Division Two Holds: The motion court did not clearly err by denying Movant's post-conviction motion without an evidentiary hearing because the record clearly refutes Movant's claim that counsel's improper assurance rendered his guilty plea involuntary and unknowing.

Opinion by: Philip M. Hess, C.J.
Gary M. Gaertner, Jr., J. and Angela T. Quigless, J. concur.

Attorney for Appellant: Kevin B. Gau

Attorney for Respondent: Colette E. Neuner

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.
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